IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 607 OF 2006

Devenderkumar Ramsaran Jaggi & Ors. .. Applicants.

Versus

The State of Maharashtra. .... Respondent.

Mr. S. A. Ingawale for the Applicants.

Mr. Y. S. Shinde, APP for the State.

CORAM : V. M. KANADE, J.

DATED : 15TH FEBRUARY, 2006.

P.C.:

Heard learned Counsel for the Applicants and the learned APP for the State.

2. This is an application filed by the Applicants for anticipatory bail. They have apprehension that they are likely to be arrested on a complaint which is filed by the father-in-law of the Applicant No.3 for the offences punishable under Section 417 read with Section 34 of the Indian Penal Code. The Applicant No.3 and the son of the Complainant got married and were residing in the matrimonial house at Pune. It is

alleged by the Applicants that the Applicant No.3 was harassed and was abused and assaulted by her husband and her in-laws. Therefore, the complaint was filed by Applicant No.3 punishable under Section 498 A in Jamshedpur. It is submitted that as a counter blast to the said complaint, the father-in-law of Applicant No.3 filed a complaint at Bundgarden Police Station alleging that the Applicant No.1, who is father of Applicant No.3 had suppressed the fact that Applicant No.3 was mentally unsound and therefore he had committed an offence under Section 417 of IPC.

3. On the said complaint being filed in the Court of JMFC, Pune an order was passed directing the police to investigate under Section 156(3) of Criminal Procedure Code. Looking at the nature of the complaint and the report submitted by the APP, in my view, the Applicants have made out a case for grant of anticipatory bail.

4. The Applicants, in the event of their arrest in respect of Complaint filed by the father-in-law of the Applicant No.3, which is registered vide C. R. No.541/05 for the offence punishable under Section 17 read with 34 of the Indian Penal Code, the Applicants

shall be released on bail in the sum of Rs.5,000/- each with one or two sureties in the like amount. The Applicants shall co-operate with the Police and shall report to the Police Station as and when called for by the Investigation Officer. It is clarified that the Investigation Officer may give sufficient time to the Applicant No.1 to report to the Police Station since he is permanently residing at Jamshedpur.

5. The Application is disposed of in the terms aforesaid.

Sd/-

(V. M. KANADE, J.)